

<b>Description</b>	County Planning Board September 9, 2008		
<b>Date</b>	09/09/2008	<b>Location</b>	County Planning Board
<b>Time</b>	<b>Speaker</b>	<b>Note</b>	
<a href="#">6:04:11 PM</a>	President Kerry White	<b>Call to Order. Members present:</b> Kerry White, C.B. Dormire, Don Seifert, Byron Anderson, Marianne Jackson Amsden, Pat Davis. <b>Members absent:</b> Leroy Logterman, Matt Flikkema, Deb Robinson, Gail Richardson, and Mike McKenna. <b>Staff present:</b> Planning Director Greg Sullivan, Planners Randy Johnson and Tom Rogers, and Recording Secretary Glenda Howze.	
<a href="#">6:04:23 PM</a>	President Kerry White	<b>Public Comment.</b> There was no public comment on matters not on the agenda.	
<a href="#">6:04:41 PM</a>	President Kerry White	<b>Approval of August 26, 2008 Minutes.</b>	
<a href="#">6:04:59 PM</a>		The minutes stand approved as written.	
<a href="#">6:05:03 PM</a>	President Kerry White	<b>Planning Department Update.</b>	
<a href="#">6:05:11 PM</a>	Planning Director Greg Sullivan	Director's Report. Distributed application packet for the Conditional Use Permit Application for the Morgan gravel pit, most likely to be discussed at the first October meeting. Also distributed the approved version of the amendments to the subdivision regulations for the water conveyance facilities; explanation that these are not re-paginated as there will be more amendments coming soon; these amendments became effective on August 28, 2008. Distributed pamphlet from the American Planning Association.	
<a href="#">6:07:00 PM</a>		Questions by the board regarding the subdivision regulations amendment document and its inclusion into the subdivision regulation binder.	
<a href="#">6:09:12 PM</a>	Planning Director Greg Sullivan	(Continued Director's Report) <u>Discussion on Commission Final Budget</u> . Distribution of email from Finance Director Ed Blackman and explanation of changes to the requested budget and the final allocation to the Planning Board - the total budget has increased approximately \$20,000. Mr. Blackman missed putting the Planning Board's specific requests into the budget initially and corrected it according to the first request of the Planning Board. Also explained	

		the amount that is transferred from the Planning Board budget to the Planning Department is for personnel only and is based on a percentage of the overall budget; therefore when the overall budget went up, the 820 fund increased by the same percentage. This amount does not affect the Planning Department's budget at all but is placed directly into the personnel line item.
<a href="#">6:12:22 PM</a>	President Kerry White	Suggested that Byron review the budget as approved and if there are comments or questions of the budget committee, they be brought forward to the County Commissioners or to Greg.
<a href="#">6:13:19 PM</a>	Planning Director Greg Sullivan	(Continued Director's Report) <u>Discussion on Consolidating All Part II Zoning Regulations</u> . Explanation of the document to consolidate all of the Part II regulations into one. Also reminded the Board of the two upcoming conferences: Big Sky Big Sprawl and MAP.
<a href="#">6:15:14 PM</a>		Questions and discussion by the board with Mr. Sullivan on the consolidation document and explanation of the upcoming timeline for adoption of said documents and county wide zoning implementation.
<a href="#">6:31:37 PM</a>	President Kerry White	<b>Consent Agenda.</b> There were no items on the consent agenda.
<a href="#">6:31:42 PM</a>	President Kerry White	<b>Regular Agenda:</b> Public Hearing and Recommendation on a Request for Preliminary Plat Approval for the Woodland Park Phase I.
<a href="#">6:32:02 PM</a>	Planner Tom Rogers	Staff report.
<a href="#">6:46:32 PM</a>		Board discussion with staff.
<a href="#">6:51:56 PM</a>	President Kerry White	Suggested change to the staff report based on other information submitted.
<a href="#">6:53:03 PM</a>	Dale Beland, on behalf of Gooch Hill West LLC and Robert Brenden	Applicant Presentation.
<a href="#">7:13:18 PM</a>		Board questions and discussion with applicant.
<a href="#">7:16:58 PM</a>	Richard Fillbach, P.E. Hyalite	Further applicant presentation; specifically addressing water and sewer systems and service to this development, wetlands mitigation, geotech investigation, work with the Farmer's Canal, storm water control, traffic impact study, road coordination with adjoining

	Engineers	subdivisions and in accordance with the Greater Bozeman Transportation Plan, and flood study on Middle Creek.
<a href="#">7:23:59 PM</a>		Board questions and discussion with applicant(s) and staff.
<a href="#">7:35:46 PM</a>	Dale Beland, on behalf of Gooch Hill West LLC and Robert Brenden	Introduced discussion on conditions and distributed document containing suggested condition changes. Amendments to conditions number 8, 15, 25 (board), 41, 44, 44h, 44l, 44m, 44n, 44o, 44p, 45 and covenant "d" were discussed by applicant, board and staff.
<a href="#">7:59:58 PM</a>		Board questions and discussion with applicant and staff on: the type of trail(s) within the subdivision, the pocket park in the southwest corner, storm water best management practices, connectivity to Stucky or Elk Lane in future phases, and further discussion on the condition amendments specifically 44h and 44m; and adding a covenant that restricts any occupancy of the garages.
<a href="#">8:09:14 PM</a>		Public comment. There was none.
<a href="#">8:09:25 PM</a>		Board discussion.
<a href="#">8:09:37 PM</a>		Summary of suggested amendments to conditions by applicant and Board, with further discussion on noted condition changes and additions.
<a href="#">8:35:31 PM</a>	Don Seifert	Stated that on those conditions that [the Board] has issues, if I'm the one that makes the motion, I'd recommend that we deny the change of the language and don't try to construct the language ourselves, but give the applicant and staff the opportunity to work something out before going to the Commissioners. This does not indicate that we don't agree with the change, but want the applicant and staff to work it out.
<a href="#">8:37:17 PM</a>	Planner Randy Johnson	The Planning Department requests that as long as the Planning Board is comfortable with those particular conditions that it allow staff and the applicant to refine them before going to the Commission.
<a href="#">8:37:38 PM</a>	Byron Anderson	I would always be comfortable with that application as long as there is some note made so that the County Commission is aware before the final appearance to them that this is how it was arrived at.
<a href="#">8:39:19 PM</a>		Discussion regarding Rae Fire District covenant d and also Condition 44f.
<a href="#">8:41:49 PM</a>	Marianne Jackson Amsden	Suggested and detailed additional conditions regarding parks and trails within the subdivision.
<a href="#">8:44:26 PM</a>	Dale	Commented on suggested change to location of the Willow Peak

	Beland, , on behalf of Gooch Hill West LLC and Robert Brenden	Drive trail and requested additional time review this request.
<a href="#">8:45:12 PM</a>	President Kerry White	Stated that a complete change in design needs to be avoided, as this might result in a substantial change. This can be handled as a suggestion to the applicant rather than a condition.
<a href="#">8:45:36 PM</a>	Marianne Jackson Amsden	For the record noted that that the reason for this change would be to provide better connectivity with interior trail design, so that it would connect with Pack Saddle Peak Drive. I'm envisioning children using this trail, possibly out to Huffine and this would mean one less road to cross. Also inquired as to the need for a Condition #54 that would provide for maintenance of storm water treatment.
<a href="#">8:46:52 PM</a>	President Kerry White	Reiterated a suggested a language change to Condition #25 which would address this issue.
<a href="#">8:48:22 PM</a>	C.B. Dormire	Suggested that the staff report reflect that we were concerned about how storm water is being dealt with and recommend that the Commissioners when they consider this development, a more satisfactory approach to how it is dealt with in the approval. This could be placed in the comment section at the end.
<a href="#">8:49:06 PM</a>	Marianne Jackson Amsden	Inquired about noting the allowable basement lots on the final plat as a condition.
<a href="#">8:49:20 PM</a>	Planner Randy Johnson	Suggested that rather than put all this on final plat, in the event that there is a situation where some lots could have a basement, a statement could be placed in the covenants identifying specific lots that warrant further investigation to determine if basements are appropriate.
<a href="#">8:49:56 PM</a>		The Board agreed to have Mr. Johnson work on language for the appropriate covenant with the applicant to address the basement issue.
<a href="#">8:51:02 PM</a>	Byron Anderson	I support the use of comments and suggestions rather than us developing language for specific incidents that may change the whole layout of a subdivision that would require a bunch of work before it goes before the County Commission. I think my concerns have been addressed and I will support this with comments and concerns noted in the staff report rather than us re-writing [conditions].

<a href="#">8:52:12 PM</a>	Don Seifert	<p>I'd like to make a motion based on the finding in the staff report and finding that the Woodland Park Major Subdivision is in compliance with the Gallatin County Growth Policy, because the subdivision complies with section 76-3-608, Zoning Regulations and Subdivision Regulations; and finding that the Woodland Park Major Subdivision has no substantial impact on the Primary Criteria established by the Montana Subdivision and Platting Act; and finding that the Woodland Park Major Subdivision is in compliance with the other provisions of the Montana Subdivision and Platting Act; I move that the Planning Board forward a recommendation to the County Commission that the Woodland Park Major Subdivision be approved with conditions included in the staff report or as amended: Condition #8, that it would read "all internal residential lots shall be limited to one driveway access" the rest of the condition remains the same. Condition #15, change 15 as the staff and applicant will agree before it is submitted to the Commission. Condition #25, "Written confirmation shall be obtained from the Farmers Canal Company stating that the proposed development and maintenance easements will not create adverse impacts <i>including storm water</i> on the operation and maintenance of the ditch (<i>strike /canal</i>) within the subdivision." Number #39 "The landowner <i>shall</i> be responsible for the control of weeds...." then "...after 10 days notice from the Property Owners' Association, the Association <i>shall</i> cause the noxious weeds to be controlled." (<i>strike 'may'</i>) . We're going to leave condition #41 as is and let the applicant and staff work that one out. Number 44e, "All <i>residential</i> lots accessed by the interior subdivision road shall be limited to one driveway access." Delete 44f. [44h] "Solid waste shall be stored (<i>strike 'in an enclosed building or in bear proof containers'</i>) and handled in a way..." Strike 441, strike [44]m, strike [44]n, the last bullet in 'o' - leave that one there with hopes that staff and the applicant can work language out on that, strike [44]p it is duplicative, 45 insert " <i>in commercial lots</i> " "Should a central community dumpster be utilized for solid waste disposal and storage <i>in commercial lots</i> , it shall be effectively screened..." Add to the covenants "No dwellings in accessory buildings." Add Condition 53, "Parks and Trails shall be built prior to final plat." [Add Condition] 54 "Homeowners group shall be responsible for maintenance of the storm water purification facility."</p>
<a href="#">9:00:28 PM</a>	C.B. Dormire	Second.
<a href="#">9:00:38 PM</a>		Board discussion.
<a href="#">9:00:43 PM</a>	Don Seifert	When we are through with the vote I would like make sure that we direct staff to add comments on storm water and trails so that it all goes forward with that. Reiterated concerns about storm water and

		how it will be mitigated.
<a href="#">9:01:31 PM</a>	President Kerry White	I would like to make a motion to amend the main motion. I would like to make an amendment to covenant 44o, bullet point 6, after "ownership" insert the words " <i>of common open space lands</i> . " The main motion left that alone and reserved it for the Commission and staff to deal with. My motion is to make that read "Ownership <i>of common space open lands</i> shall be structured in such a manner that real property taxing authorities may satisfy tax claims against the common open space lands by proceeding against individual owners in the Property Owners' Association and the dwelling or building units they own."
<a href="#">9:02:33 PM</a>	C.B. Dormire	Second.
<a href="#">9:02:36 PM</a>		Board discussion on motion to amend the main motion.
<a href="#">9:02:43 PM</a>	President Kerry White	Explanation of purpose for suggesting the change in language.
<a href="#">9:03:19 PM</a>	C.B. Dormire	Confirmed that this would then be the language to be discussed between the applicant and staff.
<a href="#">9:03:30 PM</a>	Pat Davis	Stated that usually if the open space isn't dedicated you are automatically taxed on a percentage of the open space. Each property owner is being taxed on that open space anyway; it is included in your taxes. This language change makes it really complicated.
<a href="#">9:04:36 PM</a>	President Kerry White	If it is not dedicated it is common, but if it is dedicated it is still taxed and they have a problem in satisfying tax claims on dedicated open space park land. This is why they (Commission/Staff) are trying to put something in here to give a vehicle for the taxing authority to try and collect taxes on land that is not being paid.
<a href="#">9:05:11 PM</a>	Planner Randy Johnson	Confirmed that this is the intent but if there is a better way to phrase it, staff is open to suggestions.
<a href="#">9:05:20 PM</a>	President Kerry White	The wording of this is trying to cover many different types of common open space and it may be that you can't cover all of those different types of dedicated, non-dedicated public open space like condo areas.
<a href="#">9:05:38 PM</a>	Planner Randy Johnson	What Pat is referring to might apply more to ownership under the unit ownership act where this is actually large individual parcels not necessarily connected to a condominium, but are owned in common by the Property Owner's Association. It may be redundant, but we will take a look at it.
<a href="#">9:06:27 PM</a>		Vote (motion to amend the motion): 4-2; Marianne Jackson Amsden

		and Pat David opposed. Motion passed.
<a href="#">9:06:38 PM</a>		Vote (original motion): 5-1; President White opposed. Motion passed.
<a href="#">9:07:05 PM</a>	Don Seifert	I'd like to add some comments for the staff to direct to the Commission. Number one is that we're concerned about storm water and how it is handled both on the property and after it leaves the property. [Marianne provided the other comments.]
<a href="#">9:07:42 PM</a>	Marianne Jackson Amsden	I want to suggest that we convert the east side of Red Mountain Drive to a class one trail to accommodate the handicapped or people with fancy bike tires that don't want to ride on a natural fines trail. I'm excited that there is a natural fines trail throughout this but we don't really need two on both sides of one road, we could change one into a class one which would be concrete or asphalt to accommodate multi-modal use of that trail. Also suggested that the developer look at the Willow Peak Drive trail, relocating it to the south and east side of the Willow Peak Drive for better connectivity within the subdivision.
<a href="#">9:08:53 PM</a>	Byron Anderson	Asked if it wouldn't be more appropriate in the future to have those comments and suggestions placed right into the motion so that it is forwarded as part of what we are actually passing. It is then a coherent part of what we're trying to say rather than an attachment that may or may not hold any weight.
<a href="#">9:09:38 PM</a>	President Kerry White	Agreed to review this and check with staff and the Commission as to how they'd like that brought to them. Also noted that in compliance with the request of the County Commission to give explanation when voting against a motion, he provided his reasoning for the 'no' vote. One concern I have is the run-off from this and where that will go. I don't think it is being adequately mitigated and controlled. We have some businesses [going] there and don't know what kinds will be there. There is no mitigation for controlling the storm water. There is irrigation and agricultural operations downstream from this. There are irrigation ditches and ponds downstream and I don't know that the development has adequately mitigated that. The second concern I have is the access onto 191. Those improvements on Willow Peak will not be done. There are a couple other businesses right there, Ressler's. There is no development across the street but when there comes development across the street there will be high traffic impact. I just felt that if we approved this as small subdivision, 47 lots, with some business and two more phases to come - honestly there is not going to be any improvements to 191 for the next 10 years. We see a terrible situation at Ferguson and 191, someone was killed there. There is an entrance into Kountz trailer court that is very close to that intersection. It is very poorly designed and I see the same thing happening at the intersection at Willow Peak. There is no traffic light

		and there will be no traffic control devices there. The traffic study from Morrison-Maierle said that was the only mitigation that could be performed to make it a safe intersection and that traffic light is not going to be in there. We were supposed to see a traffic light at Gooch Hill and 191 and it isn't there. It will only be when a few people get killed out there that there will be concern for a traffic light. MDT is starting to be reactive instead of proactive and that is a highly traveled corridor that is just getting busier and more dangerous. It is a safety issue and that is why I voted against it. I apologize to the developers but I don't feel that the access issue is being mitigated.
<a href="#">9:13:18 PM</a>		<b>Other business.</b>
<a href="#">9:13:22 PM</a>	Byron Anderson	Distributed an article on roundabouts from Time Magazine.
<a href="#">9:14:05 PM</a>		This application will be heard in front of the County Commission on September 30th.
<a href="#">9:14:22 PM</a>		Meeting adjourned.

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